

UNITED STATES BANKRUPTCY COURT

FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division

In the Matter of:

STEVEN J. ZULLO

AND

VIRGINIA CARVER ZULLO

Debtors

Chapter 13

Case No. 09-13497-SSM

OBJECTION TO CONFIRMATION OF PLAN,
NOTICE OF OBJECTION TO CONFIRMATION OF PLAN
AND
NOTICE OF SCHEDULED HEARING ON THIS OBJECTION

Thomas P. Gorman, Chapter 13 Trustee, has filed this objection to confirmation of your Chapter 13 Plan filed June 3, 2009. The cause for this objection is as follows:

In violation of the good faith provisions of 11 U.S.C. §1325(a)(3)

- Proposed Plan term is only 52 months, for no explicable reason. While debtors are below median, if they want or need to go beyond 36 months to cure their mortgage arrearage, equity would suggest they should pay for 60 months, given the extremely small amount paid to unsecured creditors. (See below.)
- Avoiding 2nd deed of trust, which benefits debtors \$146,000.00 in avoided liens on their residence, while paying virtually nothing to unsecured creditors
- The Plan only proposes to pay \$463.00 to the unsecured creditors, against listed claims of nearly \$300,000.00 inclusive of the mortgage sought to be avoided.

In violation of anti-discrimination classification provisions of 11 U.S.C

§1322(a)(3)- The Plan proposes at Section 4(B) to pay Debtors' student loan obligations outside the Plan. Based on Debtors' Schedule J listing of \$82.00 per month, this would result in payments to this lender totaling \$4264.00 to this lender over the life of the Plan, while other unsecured creditors will only receive \$463.00 during that same period.

Notice of Objection To Confirmation

Steven and Virginia Zullo, Case No. 09-13497-SSM

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the objection, or if you want the court to consider your views on the objection, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must mail a copy to the persons listed below.

Attend the hearing to be held on July 15, 2009 at 1:30 p.m. in Courtroom #1 on the 2nd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, Virginia 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste, 400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Notice of Objection To Confirmation

Steven and Virginia Zullo, Case No. 09-13497-SSM

Date: June 24, 2009

/s/ Thomas P. Gorman

Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

CERTIFICATE OF SERVICE

I hereby certify that I have this 24th day of June, 2009, mailed a true copy of the foregoing Objection to Confirmation, Notice of Objection and Notice of Hearing to the following parties.

Steven J. Zullo
Virginia Carver Zullo
Chapter 13 Debtors
308 N. Lee Street
Falls Church, VA 22046-3233

Daniel M Press, Esq.
Attorney for Debtors
Chung & Press
6718 Whittier Ave. Ste. 200
McLean, VA 22101

/s/ Thomas P. Gorman

Thomas P. Gorman